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1005-044

DOCKET NO. \_\_\_\_\_

In the Matter of \_\_\_\_\_  
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IN THE MATTER OF THE FILING FOR  
 APPROVAL OF AN ADOPTION  
 AGREEMENT BETWEEN QWEST  
 CORPORATION AND WAVESENT,  
 L.L.C.

### Public Utilities Commission of the State of South Dakota

DATE	MEMORANDA
1/30 03	Filed and Docketed;
2/6 03	Weekly Filing;
3/7 03	Order Approving Adoption Agreement;
3/7 03	Docket Closed.

**BOYCE, GREENFIELD, PASHBY & WELK, L.L.P.**  
ATTORNEYS AT LAW

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Gary J. Pashby  
Thomas J. Welk  
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**RECEIVED**

**JAN 30 2003**

January 28, 2003

Pam Bonrud, Executive Director  
Public Utilities Commission of the State of SD  
500 East Capitol Avenue  
Pierre, SD 57501

**SOUTH DAKOTA PUBLIC  
UTILITIES COMMISSION**

Re: Filing of Adoption Agreement between Wavesent and Qwest Corporation for the State of South Dakota  
Our File No. 2104.078

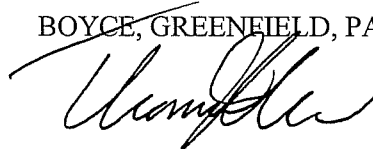
Dear Ms. Bonrud:

Pursuant to ARSD 20:10:32:21 enclosed for filing are an original and ten (10) copies of the Adoption Agreement between Wavesent, L.L.C. ("Wavesent") and Qwest Corporation f/k/a U S WEST Communications, Inc. ("Qwest") for approval by the Commission. Wavesent chooses to adopt, in its entirety, the terms and conditions of the Interconnection Agreement and any associated amendments, if applicable, between Arch Paging, Inc. and Mobile Communications Corporation of America and Qwest Corporation f/k/a U S WEST Communications, Inc. which was approved by the Commission on September 29, 2000 in Docket No. 00-108.

Wavesent has authorized Qwest to submit this Agreement on Wavesent's behalf.

Sincerely yours,

BOYCE, GREENFIELD, PASHBY & WELK, L.L.P.



Thomas J. Welk

TJW/vjj

Enclosures

cc: Joseph B. McNeal - Wavesent (enclosure letter only)  
Ms. Colleen Sevoid  
Mr. John Love (enclosure letter only)



December 12, 2002

WaveSent LLC  
P.O. Box 15509  
Boise, ID 83715

Dear Mr. McNeal:

We have received your request that, under Section 252(i) of the Telecommunications Act of 1996, WaveSent LLC ("CMRS") wishes to "Pick and Choose" in its entirety, the terms of the Paging Connection Agreement and any associated amendments, if applicable, ("Agreement") between Arch Paging Inc. and Mobile Communications Corporation of America and Qwest Corporation fka U S WEST Communications, Inc. ("Qwest") that was approved by the Commission on September 29, 2000 as an effective agreement in the State of South Dakota. WaveSent LLC is incorporated in the state of Nevada. We understand you have a copy of the Paging agreement.

With respect to the aforementioned Agreement, Qwest and CMRS (" the Parties") understand and agree:

1. The Parties shall request the Commission to expedite its review and approval of this Agreement. This Agreement shall become effective upon such approval.
2. Notwithstanding the mutual commitments set forth herein, the Qwest is entering into this Agreement without prejudice to any positions it has taken previously, or may take in the future, in any legislative, regulatory, or other public forum addressing any matters, including those relating to the types of arrangements contained in this Agreement. During the proceeding in which the Commission is to review and approve the Agreement, Qwest may point out that it has objected, and continues to object, to the inclusion of the terms and conditions to which it objected in the proceedings involving the approval of the Underlying Agreement.
3. CMRS adopts the terms and conditions of the Arch Paging Inc. and Mobile Communications Corporation of America Agreement for interconnection with Qwest and in applying the terms and conditions, agrees that WaveSent LLC be substituted in place of "Arch Paging Inc. and Mobile Communications Corporation of America." throughout the Agreement wherever the latter appears.
4. Qwest requests that notice to Qwest Corporation as may be required under the Agreement shall be provided as follows:

To: Qwest Corporation  
Director Interconnection Compliance  
1801 California Street, Room 2410  
Denver, CO 80202

With copy to:  
Qwest Corporation Law Department  
Attention: General Counsel, Interconnection  
1801 California Street, 38th Floor  
Denver, CO 80202

CMRS requests that notice to CMRS as may be required under the Agreement shall be provided as follows:

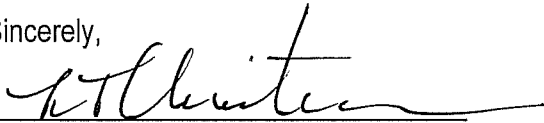
To: Joseph B. McNeal  
WaveSent LLC  
P.O. Box 15509  
Boise, ID 83715

CMRS represents and warrants that it is a certified provider of local dialtone service in the State of South Dakota, and that this Agreement will cover services in that state only.

Please sign all three original copies of this letter, and overnight them to Heidi Higer, 1801 California St, Suite 2410 – Denver, CO 80202 (Phone: 303-965-3029) by March 12, 2003. After March 12, 2003 Qwest may rescind its willingness to consider the Agreement's terms and conditions, and will consider that you have withdrawn from good faith negotiations.

Please note that Qwest will file this letter with the appropriate state commission for approval; however, some state commissions will not approve the letter until the CMRS is certified by the state commission. You may want to contact the appropriate state commission to determine the requisite filing guidelines.

Sincerely,



Qwest Corporation  
L.T. Christensen  
Director – Business Policy  
1801 California Street, Suite 24<sup>th</sup> Floor  
Denver, Colorado 80202

Date

1/2/03

I agree to all terms and conditions contained in this letter as indicated by my signature below:

WaveSent LLC  
CMRS Name Joseph B. McNeal  
Signature Joseph B. McNeal  
Name Manager  
Title 12/13/02  
Date

South Dakota Public Utilities Commission

**WEEKLY FILINGS**

For the Period of January 30, 2003 through February 5, 2003

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five business days of this report. Phone: 605-773-3705

**CONSUMER COMPLAINTS**

**CT03-003 In the Matter of the Complaint filed by Mark Van Den Hoek on behalf of Hard Drive Central, Mitchell, South Dakota, against Ionex Communications North, Inc. Regarding Quality of Service Issue.**

The complainant alleges that Ionex failed to provide long distance service from August 16, 2002, through November 1, 2002. The complainant seeks to have the unpaid charges for local service waived as compensation for the hardship caused as a result of the long distance issue.

Staff Analyst: Jim Mehlhaff  
Staff Attorney: Kelly Frazier  
Date Docketed: 02/05/03  
Intervention Deadline: n/a

**TELECOMMUNICATIONS**

**TC03-042 In the Matter of the Filing for Approval of an Adoption Agreement between Qwest Corporation and Page Data.**

On January 28, 2003, the Commission received a Filing for Approval of an Adoption Agreement between Qwest Corporation (Qwest) and Page Data (Page). According to the filing, Page chooses to adopt, in its entirety, the terms and conditions of the Interconnection Agreement and any associated amendments, if applicable, between Arch Paging, Inc. and Mobile Communications Corporation of America and Qwest Corporation f/k/a U S WEST Communications, Inc. which was approved by the Commission on September 29, 2000, in Docket TC00-108. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than February 17, 2003. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier  
Date Docketed: 01/28/03  
Initial Comments Due: 02/17/03

**TC03-043 In the Matter of the Application of Convergia, Inc. for a Certificate of Authority to Provide Interexchange Telecommunications Services in South Dakota.**

Convergia, Inc. is seeking a Certificate of Authority to provide interexchange telecommunications services in South Dakota. The Applicant intends to offer direct dial long distance, switched and dedicated toll-free services and post and prepaid calling card services on a resale basis.

Staff Analyst: Keith Senger  
Staff Attorney: Karen Cremer  
Date Docketed: 01/30/03  
Intervention Deadline: 02/21/03

**TC03-044 In the Matter of the Filing for Approval of an Adoption Agreement between Qwest Corporation and Wavesent, L.L.C.**

On January 30, 2003, the Commission received a Filing for Approval of an Adoption Agreement between Qwest Corporation (Qwest) and Wavesent, L.L.C. (Wavesent). According to the filing, Wavesent chooses to adopt, in its entirety, the terms and conditions of the Interconnection Agreement and any associated amendments, if applicable, between Arch Paging, Inc. and Mobile Communications Corporation of America and Qwest Corporation f/k/a U S WEST Communications, Inc. which was approved by the Commission on September 29, 2000, in Docket TC00-108. Any party wishing to comment on the agreement may do so by filing written comments with the Commission and the parties to the agreement no later than February 19, 2003. Parties to the agreement may file written responses to the comments no later than twenty days after the service of the initial comments.

Staff Attorney: Kelly Frazier  
Date Docketed: 01/30/03  
Initial Comments Due: 02/19/03

**TC03-045 In the Matter of the Request of Western Wireless Corporation for Certification Regarding its Use of Federal Universal Service Support.**

On January 31, 2003, Western Wireless Corporation provided information constituting Western Wireless Corporation's plan for use of its federal universal service support and to otherwise verify that Western Wireless Corporation will use all federal universal service support received in a manner that is consistent with the federal universal service provisions of 47 U.S.C. Section 254.

Staff Analyst: Harlan Best  
Staff Attorney: Karen E. Cremer

Date Docketed: 01/31/03  
Intervention Deadline: 02/14/03

**TC03-046 In the Matter of the Application of Transcom Communications, Inc. for a Certificate of Authority to Provide Interexchange Telecommunications Services in South Dakota.**

On February 5, 2003, Transcom Communications, Inc. filed an application for a Certificate of Authority to provide interexchange telecommunications services in South Dakota. The applicant intends to provide resold interexchange services, including 1+ and 101XXXX outbound dialing, 800/888 toll-free inbound dialing, directory assistance, data services and travel card service throughout South Dakota.

Staff Analyst: Michele Farris  
Staff Attorney: Kelly Frazier  
Date Docketed: 02/05/03  
Intervention Deadline: 02/21/03

**TC03-047 In the Matter of the Application of Bee Line Long Distance, LLC d/b/a Hello Telecom for a Certificate of Authority to Provide Interexchange Telecommunications Services in South Dakota.**

Bee Line Long Distance, LLC d/b/a Hello Telecom is seeking a Certificate of Authority to provide interexchange telecommunications services in South Dakota. The Applicant intends to offer a full range of 1+ interexchange telecommunications services on a resale basis.

Staff Analyst: Keith Senger  
Staff Attorney: Karen Cremer  
Date Docketed: 02/05/03  
Intervention Deadline: 02/21/03

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You may subscribe or unsubscribe to the PUC mailing lists at <http://www.state.sd.us/puc>**

**BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF SOUTH DAKOTA**

**IN THE MATTER OF THE FILING FOR ) ORDER APPROVING  
APPROVAL OF AN ADOPTION AGREEMENT ) ADOPTION AGREEMENT  
BETWEEN QWEST CORPORATION AND )  
WAVESENT, L.L.C. ) TC03-044**

On January 30, 2003, Qwest Corporation (Qwest) filed for approval by the South Dakota Public Utilities Commission (Commission) an adoption agreement between Wavesent, L.L.C. (Wavesent) and Qwest.

On February 6, 2003, the Commission electronically transmitted notice of this filing to interested individuals and entities. The notice stated that any person wishing to comment on the parties' request for approval had until February 19, 2003, to do so. No comments were filed.

At its duly noticed March 4, 2003, meeting, the Commission considered whether to approve the adoption agreement between Qwest and Wavesent. Commission Staff recommended its approval.

The Commission has jurisdiction over this matter pursuant to SDCL Chapter 49-31, and the Federal Telecommunications Act of 1996. In accordance with 47 U.S.C. § 252(e)(2), the Commission found that the adoption agreement does not discriminate against a telecommunications carrier that is not a party to the adoption agreement and the adoption agreement is consistent with the public interest, convenience, and necessity. The Commission unanimously voted to approve the adoption agreement. It is therefore

ORDERED, that the Commission approves the adoption agreement.

Dated at Pierre, South Dakota, this 7<sup>th</sup> day of March, 2003.

<b>CERTIFICATE OF SERVICE</b>	
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.	
By:	<u>Helmut Kalbo</u>
Date:	<u>3/11/03</u>
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:

Robert K. Sahr  
ROBERT K. SAHR, Chairman

Gary Hanson  
GARY HANSON, Commissioner

James A. Burg  
JAMES A. BURG, Commissioner